

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

VINCENT BEST, §  
§  
Petitioner, §  
VS. § CIVIL ACTION NO. 2:13-CV-31  
§  
KEITH ROY, §  
§  
Respondent. §

**ORDER**

Currently pending before the Court is Petitioner's Motion to Change Venue to the Western District of North Carolina, Charlotte Division. (DE 20). Venue was appropriate when Petitioner filed his habeas corpus petition in this Court pursuant to 28 U.S.C. §2241 because he was incarcerated at F.C.I. Three Rivers within the Southern District of Texas. *Owens v. Roy*, 394 Fed. Appx. 61, 62-63 (5th Cir. 2010). He was subsequently transferred to North Carolina and filed the instant motion to transfer venue.

Petitioner argues this Court lacks jurisdiction over his §2241 petition by virtue of his transfer to North Carolina. However, "when the Government moves a habeas petitioner after she properly files a petition naming her immediate custodian, the District Court [where the petitioner filed the petition] retains jurisdiction." *Rumsfeld v. Padilla*,

<sup>542</sup> U.S. 426, 441-42 (2004); *Lee v. Wetzel*, 224 F.3d 370, 375 n. 5 (5<sup>th</sup> Cir. 2001).

Petitioner's Motion to Change Venue (DE 20) is **DENIED**.

ORDERED this 12th day of September, 2013.

*Jason B. Libby*  
Jason B. Libby  
United States Magistrate Judge